

**From:** Alan Hecker  
**To:** Microsoft ATR  
**Date:** 1/23/02 11:28am  
**Subject:** Microsoft Settlement

To Whom It May Concern,

I am writing to inform you of my opinion re: the pending Microsoft settlement.

The historical--as well as antitrust--history with Microsoft is glaring clear: they have used every tactic at their disposal to gain an unfair advantage in their market space; indeed, through dominance in the computer software marketplace, they have begun to expand out of their initial space and take on other markets (media (MSNBC, video game consoles, etc.). They have also flagrantly delayed and dragged their feet against the federal government \*during the anitrust proceedings\*; to expect that they will suddenly come into compliance with any verdict that they do not deem meets their liking without a significant amount of oversight and strict, severe (read: large monetary) penalties for violation of any infractions is naive in the extreme.

In addition, the inability of the federal government to bring any entity under its governance into compliance with laws, statutes and verdicts handed to said entitiy will be perceived by all astute entities (be they individuals, corporations, other governments, etc.) as a weakness and an opportunity to take advantage of the United States the way that Microsoft has done. The setting of such a precedent, especially in the current social, economic and political climate of today's world, could do inestimal damage to the United States.

I realize that Microsoft is a corporate entity like none other in history; it has shown the largest profit, the largest growth and the largest abuse of its position and power of any corporation in history. However, it is still a corporation like any other in the coutry. The antitrust laws, as they are on the books today, still apply to it. Microsoft has unfairly gained advantage over competition and, in turn, used this edge it created to further its dominance over the market. As it gains speed, as it expands further and further out from the base of software development and Operating Systems, it threatens to bring its strong-arm tactics to other areas. The threats to innovation--and to say that innovation, in a capital economy, must perish because those who innovate can't compete with a barrelling juggernaut is a specious argument at best--and competition are real and large. Ultimately, the consumer pays the highest price: expensive, single-source software (and now hardware and media options) that only allow for what Microsoft decides is good for itself. This kind of future is specifically what the antitrust laws were put in place to prevent. If there was innovation, fair competition and a variety of choice in the software industry, there would be no need of antitrust proceedings or a judgement against Microsoft; market forces and competitor vying for consumers would shape the outcome. This is how it was in the 1980s, but that was about the last time there was that level of real capital competition.

In closing, I believe that only by forcing Microsoft to submit to stringent, rigorous monitoring and being subject to real, stiff and enforced penalties will fair market forces be able to once again reign in the software industry. Microsoft must be made to fully describe and open its Windows API and fully disclose the format of its Office suite of products. This would foster faster and stiffer competition than would splitting the company into parts.

The Findings of Fact have not been disputed. Microsoft is a monopoly, possibly the largest and fiercest one this country has ever encountered. To treat it as anything but such is folly and is folly that ultimately plays itself out on the United States government as a whole and the consumer, who is ultimately the benefactor of antitrust protection.

- Alan Hecker

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"Never send a Monster to do the work of an Evil Scientist."

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